

ASSEMBLY BILL

No. 490

Introduced by Assembly Member Skinner

February 19, 2013

An act to repeal and add Section 6452 of the Probate Code, relating to intestate succession.

LEGISLATIVE COUNSEL'S DIGEST

AB 490, as introduced, Skinner. Intestate succession: children.

Existing law provides that the estate of a decedent not effectively disposed of by a will passes to the decedent's heirs as prescribed by law. Existing law prohibits, for a child born out of wedlock, a natural parent or a relative of that parent from inheriting from or through the child on the basis of the parent and child relationship unless the parent or a relative of the parent acknowledged the child and the parent or a relative of the parent contributed to the support or the care of the child.

This bill would revise and recast the provisions regarding inheritance of a parent from or through a child on the basis of the parent and child relationship. The bill would provide that a parent does not inherit from or through a child if the parent's parental rights were terminated and the parent-child relationship was not judicially reestablished, the parent did not acknowledge the child, or the parent left the child during the child's minority and failed to provide for the child's support or to communicate with the child, as specified. The bill would provide that a relative of a parent who does not inherit from or through a child, pursuant to the bill's provisions, would inherit from or through the child as if the parent had predeceased the child.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 6452 of the Probate Code is repealed.

~~6452. If a child is born out of wedlock, neither a natural parent nor a relative of that parent inherits from or through the child on the basis of the parent and child relationship between that parent and the child unless both of the following requirements are satisfied:~~

~~(a) The parent or a relative of the parent acknowledged the child.~~

~~(b) The parent or a relative of the parent contributed to the support or the care of the child.~~

SEC. 2. Section 6452 is added to the Probate Code, to read:

6452. (a) A parent does not inherit from or through a child on the basis of the parent and child relationship if any of the following apply:

(1) The parent's parental rights were terminated and the parent-child relationship was not judicially reestablished.

(2) The parent did not acknowledge the child.

(3) The parent left the child during the child's minority and failed to provide for the child's support or to communicate with the child, or both, for at least five consecutive years that continued until the end of the child's minority, with the intent on the part of the parent to abandon the child. The failure to provide support or to communicate for the prescribed period is presumptive evidence of an intent to abandon.

(b) A relative of a parent described in subdivision (a) inherits from or through the child as if the parent had predeceased the child.